

1 trial that came up about your other association
2 with prostitutes and some of the information
3 that was, I'm sure you're familiar with, from
4 the probation officer's report that he quote
5 from the District Attorney. Were you leading
6 kind of a double life at that time?

7 **INMATE BYRDE:** I was going through a period
8 of -- I like to think of it as a very isolated
9 period of extreme stress. Actually, in that
10 information that you have, I didn't intend to
11 submit that, but there was some recent
12 information that one of the doctors gave me that
13 said people with MS suddenly do this, they go
14 off the deep end for unexplained reasons from
15 time to time. But I had a -- I was in charge of
16 lending, as I stated. My boss at the time,
17 although I didn't know it then, was a crook. I
18 would turn down major multi-million dollar
19 loans, and he would approve them over my head
20 and tell me I didn't know what I was doing.
21 Turned out -- subsequently I found out a couple
22 years later he was in bed with these developers.
23 He ended up going to prison for it. He ended up
24 doing federal time for it, but at the time I had
25 no idea. I just knew I was being criticized in
26 my job. I had my first major attack of MS,
27 which at that time affected one of my hands, and

1 I was basically in fear of my job and in fear of
2 what was going to happen, in fear of this, what
3 you see now. That's not an excuse, but I was
4 under a lot of pressure and a lot of stress, and
5 I didn't handle it appropriately. I handled it
6 by, basically driving around trying to escape my
7 reality, and I got involved in these activities.

8 **PRESIDING COMMISSIONER DAVIS:** And so your
9 activity with prostitutes was something that was
10 done after your diagnosis? Is that what you're
11 saying?

12 **INMATE BYRDE:** Yes, after I had my first
13 attack.

14 **PRESIDING COMMISSIONER DAVIS:** So you did
15 nothing prior to that?

16 **INMATE BYRDE:** No, I had no prior
17 involvement. I think the first prostitute I
18 ever encountered in my life was around maybe
19 December of '84, somewhere in there. It was a
20 short period of maybe five or six months.

21 **PRESIDING COMMISSIONER DAVIS:** The
22 information is described again on -- I
23 referenced -- included my reference in the year
24 -- I don't think I included page seven by
25 reference, actually, but on page seven of the
26 probation officer's report really describes some
27 rather graphic fantasies that apparently you

1 admitted to at this time. Was this you think
2 all part of your MS as well?

3 **INMATE BYRDE:** No, I can't blame it on the
4 MS. I think I blame it on just trying to escape
5 my own reality. The world of -- the first
6 prostitute I ever met or had a relationship with
7 was something that was alien to me. You
8 discussed my past activity and all the civic
9 stuff and all this. It was just something that
10 was completely alien, and I spent most of the
11 time asking questions about what your life like
12 and they would describe to me. I said what's
13 the craziest thing you ever heard, and they
14 would describe wild and crazy things. You know,
15 it was just something completely different. It
16 allowed me to escape my own reality and to say
17 wow, you know, and get into that, but it wasn't
18 -- it wasn't any kind of longstanding fantasy I
19 had or anything like that. In fact, a lot of
20 times one person would tell me one thing, and I
21 would pass it on to the next one just to see for
22 reaction and all this stuff. It's basically
23 escapism. I was trying the get away from my own
24 reality into another reality.

25 **PRESIDING COMMISSIONER DAVIS:** Well, you
26 have to admit sitting on this side that's quite
27 a quantum leap for someone who's involved in Red

1 Cross and Kiwanis and so forth to be involved in
2 these kinds of activities that are described in
3 here?

4 **INMATE BYRDE:** I don't know what activities
5 are described. I probably dated about half a
6 dozen prostitutes. There's no excuse for it. I
7 mean, I can't justify it. I wouldn't attempt
8 to. It's so alien to my own upbringing and my
9 own experience. If you go back 20 years ago or
10 so, I guarantee anybody looking at me would say
11 I'm at least conservative as either one of you
12 two gentleman, you know, just as you've pointed
13 out.

14 **PRESIDING COMMISSIONER DAVIS:** Okay.
15 Anyway, also included in my earlier
16 incorporation by reference to include that page
17 seven into the record as well. Commissioner, do
18 you have any questions?

19 **DEPUTY COMMISSIONER ARMENTA:** Yes, I do.
20 Prior to that incident, had you hurt any of the
21 other ladies?

22 **INMATE BYRDE:** No.

23 **DEPUTY COMMISSIONER ARMENTA:** No?

24 **INMATE BYRDE:** No.

25 **DEPUTY COMMISSIONER ARMENTA:** Did you have
26 any disagreements with them?

27 **INMATE BYRDE:** Disagreements, no.

1 DEPUTY COMMISSIONER ARMENTA:

2 Disagreements?

3 INMATE BYRDE: Not that I'm aware of.

4 DEPUTY COMMISSIONER ARMENTA: No?

5 INMATE BYRDE: That I can recall.

6 DEPUTY COMMISSIONER ARMENTA: So why would
7 you have it here?

8 INMATE BYRDE: The only --

9 DEPUTY COMMISSIONER ARMENTA: This
10 incident?

11 INMATE BYRDE: The only reason in my mind
12 that anything happened was the fact that Ms.
13 Engstrom panicked in the situation and started
14 screaming, and I freaked out because I was
15 afraid that my neighbors were going to hear the
16 screaming and yelling.

17 DEPUTY COMMISSIONER ARMENTA: Did you live
18 in a house?

19 INMATE BYRDE: Yes, sir, right next door --

20 DEPUTY COMMISSIONER ARMENTA: In an
21 apartment?

22 INMATE BYRDE: No, a house.

23 DEPUTY COMMISSIONER ARMENTA: A house?

24 INMATE BYRDE: But it's maybe ten or 12
25 feet to the next house. They're close together.

26 DEPUTY COMMISSIONER ARMENTA: What time was
27 it?

1 **INMATE BYRDE:** It was 10:00 o'clock at
2 night maybe.

3 **DEPUTY COMMISSIONER ARMENTA:** At night?

4 **INMATE BYRDE:** Maybe 10:30, yeah.

5 **DEPUTY COMMISSIONER ARMENTA:** During the
6 week or weekend or what?

7 **INMATE BYRDE:** You know, I can't recall.
8 It may of been a Sunday night, Monday night.

9 **DEPUTY COMMISSIONER ARMENTA:** Where was
10 your wife?

11 **INMATE BYRDE:** She was at a Girl Scout camp
12 with my two daughters.

13 **DEPUTY COMMISSIONER ARMENTA:** And you say
14 that you can't remember what happened. Were you
15 under drugs?

16 **INMATE BYRDE:** No, sir, I've never used
17 drugs.

18 **DEPUTY COMMISSIONER ARMENTA:** No, alcohol?

19 **INMATE BYRDE:** No, I'm a very light
20 drinker.

21 **DEPUTY COMMISSIONER ARMENTA:** And the only
22 thing you recollect is that you did hold her
23 down?

24 **INMATE BYRDE:** Oh, no, I hit her -- held
25 her down, and I probably hit her too or fighting
26 with her as she was struggling and yelling. I
27 wanted her to be quiet, and she didn't want to

1 be quiet.

2 **DEPUTY COMMISSIONER ARMENTA:** Did you hit
3 her, or are you still saying probably? Did you
4 hit her?

5 **INMATE BYRDE:** I'm sure I did. I mean, I
6 don't have a memory of hitting her.

7 **DEPUTY COMMISSIONER ARMENTA:** Okay.

8 **INMATE BYRDE:** But just from looking at the
9 bruises, I can't account for them any other way.
10 I must have hit her.

11 **DEPUTY COMMISSIONER ARMENTA:** And why do
12 you think you can't remember?

13 **INMATE BYRDE:** Well, because I was think I
14 was not intending to strike her as much as I was
15 trying to shove her down and keep her quiet. I
16 was actually quite panicked because of the
17 window right above my right ear was wide open,
18 and I was afraid that the neighbors were going
19 hear, and I wanted to jump up and close the
20 window.

21 **DEPUTY COMMISSIONER ARMENTA:** Yeah.

22 **INMATE BYRDE:** That was the biggest thing -
23 -

24 **DEPUTY COMMISSIONER ARMENTA:** How long did
25 you hold her down?

26 **INMATE BYRDE:** It seemed like a few
27 seconds.

1 DEPUTY COMMISSIONER ARMENTA: A few
2 seconds?

3 INMATE BYRDE: It seemed like to me.

4 DEPUTY COMMISSIONER ARMENTA: Did you ask
5 her to be quiet?

6 INMATE BYRDE: Yes, of course.

7 DEPUTY COMMISSIONER ARMENTA: And she would
8 not?

9 INMATE BYRDE: No, I think she was choking
10 or had water or something, like I said, and she
11 was yelling and struggling, and we both
12 panicked.

13 DEPUTY COMMISSIONER ARMENTA: Okay. So you
14 -- so she's at fault too?

15 INMATE BYRDE: No, not at all.

16 DEPUTY COMMISSIONER ARMENTA: Because she
17 panicked?

18 INMATE BYRDE: That's obviously my fault.

19 DEPUTY COMMISSIONER ARMENTA: Yeah.

20 INMATE BYRDE: She was in a helpless
21 situation.

22 DEPUTY COMMISSIONER ARMENTA: Okay. I
23 don't have any other questions.

24 PRESIDING COMMISSIONER DAVIS: All right.
25 Mr. Byrde, is there anything that I haven't
26 asked you about your prior history, about your
27 social history, your -- obviously, you don't

1 have an arrest record, so we don't have anything
2 to cover there, about the crime itself that you
3 believe is important for this Panel to
4 understand this afternoon that we haven't
5 already gone over?

6 **INMATE BYRDE:** No, sir, not really because
7 to me -- I mean, like I said, I probably was
8 more conservative than either one of you
9 gentleman, and to me whether I meant to do this
10 or didn't mean to do that, it's been all along
11 irrelevant to me. I'm responsible. Whatever
12 happened, I did it. I'm responsible and I
13 understand that to be the case and I accept that
14 responsibility. So the details of it are -- are
15 not as relevant to me as they might be to
16 someone else. I've carried an awful lot of
17 guilt about this for a very long time.

18 **PRESIDING COMMISSIONER DAVIS:** All right.
19 I'll ask you to turn your attention please to
20 Commissioner Armenta.

21 **DEPUTY COMMISSIONER ARMENTA:** Let's go over
22 several things. Let's go over the letters, and
23 we do have a number of letters. We have a total
24 of 31 letters of opposition to you being getting
25 a date. With that, I mean 37 letters from
26 different people, members of the family, as well
27 as friends and neighbors. We also -- we did

1 receive a letter -- we did send out some
2 notices. We got a letter from the Marin County
3 Sheriff's Office, the last letter being dated
4 May 10th, 2005, and they oppose your release, as
5 well as from the courts. The judge sent a
6 letter, and as well as the office from the DA
7 office. However, we have a member of the DA's
8 office in the hearing, and we'll be hearing from
9 that individual. We have letters from the
10 father of the victim, Mr. William Engstrom, and
11 he's here. Right, you're here, sir?

12 **MR. WILLIAM ENGSTROM:** Yes, sir.

13 **DEPUTY COMMISSIONER ARMENTA:** Okay. I want
14 to ask you, do you want me to read the letter,
15 or when it comes to your time do you want me to
16 -- do you want to read it yourself or what?

17 **MR. WILLIAM ENGSTROM:** I would like to have
18 you read my wife's letter.

19 **DEPUTY COMMISSIONER ARMENTA:** That is --

20 **MR. WILLIAM ENGSTROM:** Linda.

21 **DEPUTY COMMISSIONER ARMENTA:** Okay. I'll
22 do that.

23 **MRS. ENGSTROM:** Is that the one from 2006,
24 this year?

25 **DEPUTY COMMISSIONER ARMENTA:** We'll look
26 for it.

27 **MRS. ENGSTROM:** I think Katherine has --

1 **DEPUTY COMMISSIONER ARMENTA:** Okay. Yeah,
2 it's right here.

3 **MRS. ENGSTROM:** Okay.

4 **DEPUTY COMMISSIONER ARMENTA:** June 13,
5 2006?

6 **MRS. ENGSTROM:** Yes.

7 **DEPUTY COMMISSIONER ARMENTA:**

8 Members of the Board, Cynthia Lynn
9 Engstrom is my daughter and murder
10 victim of Leslie Arthur Byrde,
11 convicted of second-degree murder,
12 sentenced 15 years to life in prison.
13 I am writing to you with the hope that
14 you will not release Leslie Arthur
15 Byrde from prison for the murder of my
16 daughter Cynthia Lynn Engstrom. Leslie
17 Arthur Byrde committed a heinous crime.
18 He so cold heartedly ended Cindy's
19 life. The pain that he has caused to
20 our family is unimaginable. Cindy
21 would be 40 years old now. She would
22 be a aunt, a sister-in-law, a loving
23 sister, and a precious daughter. It is
24 my belief that sexual predators and
25 violent murderers are beyond
26 redemption. It is shown that the
27 recidivism rate is greatly in excess of

1 50 percent. We can never bring Cindy
2 back to us, but it is my belief that
3 society would be protected from this
4 cold hearted -- should be protected
5 from this cold hearted murderer. I
6 urge the Board please deny parole to
7 Leslie Arthur Byrde.

8 Signed Linda J. Engstrom, mother. We also
9 have a letter dated June 13, 2006, from Sylvia
10 Ann Engstrom. Is she a sister?

11 **MR. SCOTT ENGSTROM:** It's my wife.

12 **DEPUTY COMMISSIONER ARMENTA:** Sister-in-
13 law?

14 **MR. SCOTT ENGSTROM:** Correct.

15 **DEPUTY COMMISSIONER ARMENTA:** Okay. And
16 June 13th, 2006, from the father. I did mention
17 that letter already. We got a letter on June
18 11, 2006, from Walter Gene (indiscernible).

19 **DEPUTY DISTRICT ATTORNEY MITCHELL:**

20 Something like that. it's a Japanese name.

21 **DEPUTY COMMISSIONER ARMENTA:** Northridge,
22 California, and it's basically a letter in
23 support of the pleas made by the family and asks
24 that you not be given a date. June 7th, 2006,
25 letter from sandy Nelson. And that's the --

26 **MR. WILLIAM ENGSTROM:** Sister.

27 **DEPUTY COMMISSIONER ARMENTA:** That's the

1 sister?

2 **MR. WILLIAM ENGSTROM:** Yes.

3 **DEPUTY COMMISSIONER ARMENTA:** And letter
4 from June 6, 2006, from Roy O'Sherum (phonetic),
5 June 5th, 2006, letter from Robert Whitaker
6 (phonetic), Northridge, California. June 5th,
7 2006, letter from Kelly Clark. Is she a friend
8 of the family?

9 **MR. WILLIAM ENGSTROM:** I'm sorry, from a
10 coworker.

11 **DEPUTY COMMISSIONER ARMENTA:** Okay. June
12 4th, 2006, letter from Chris Berry (phonetic).
13 June 2nd, 2006, letter from Fred Pruvica
14 (phonetic).

15 **DEPUTY DISTRICT ATTORNEY MITCHELL:**
16 Pruvechey (phonetic).

17 **DEPUTY COMMISSIONER ARMENTA:** Pruvechey?

18 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Yeah.

19 **DEPUTY COMMISSIONER ARMENTA:** Okay. June
20 2nd, 2006, letter from Jim Thomas (phonetic),
21 Huntington Beach, also they urge that you be
22 kept. June 1st, 2006, letter from Stephanie
23 Nguyen. And a letter June 1st, 2006, from a
24 Michael Williams. He opposes your release.
25 Also, a letter from Jay Thobe, T-H-O-B-E.
26 Letter dated June 1st, 2006, from a Marvin
27 Gibler (phonetic), lives in Lake Forest. Letter

1 dated May thirty-first, 2006, also from a Tracy
2 Tobin (phonetic) writing as a concerned citizen
3 and also believes that you should not be
4 released. May 31st, 2006, letter from Shanelle
5 Branenburg (phonetic), also opposes your
6 release. May 31st, 2006, letter from William
7 and Deborah Whitaker. And another letter from
8 Richard and Cheryl Pyle (phonetic), dated May
9 30th, 2006. David Karl also wrote a letter
10 dated 5/30/2006. His letter is very brief and
11 to the point, and he says, "I believe that
12 people can change and do deserve a second
13 chance; however, the despicable crime that this
14 inmate committed is one of the few crimes that I
15 feel do not deserve any leniency. I also have a
16 letter with no date from Lynn Moss, and Jason
17 Shsu S-H-S-U, also wrote a letter and no date,
18 but also he opposes your parole. And Joshua
19 Emmons (phonetic) wrote a letter and also
20 opposes. Dena Dernick (phonetic) also wrote us
21 a letter and she opposes. And Yun Hutchinson
22 (phonetic), Robby Reese (phonetic), Mark Schultz
23 (phonetic) also wrote a letter. Most of these
24 letters don't have a date, but they did sign the
25 letters. Letter from Jorge Norvada (phonetic)
26 and opposes. Again, a letter from the DA's
27 office May 26th, 2006, from the Chief Deputy

1 District Attorney Mitchell, and we have that
2 person present. And I'm sorry there is a more
3 current letter from the sheriff's office. That
4 is May 25th, 2006. That one I will read into
5 the record.

6 In June, 1985, I was the chief
7 investigator into the murder of Cynthia
8 Engstrom. Ms. Engstrom was murdered a
9 the hands of Leslie Arthur Byrde, a
10 vice president of a local bank. Leslie
11 Arthur Byrde offered Cynthia Engstrom a
12 ride. Byrde took Engstrom to his home
13 that day. Byrde's wife and two
14 children were out of town attending a
15 church camp. Once at the residence,
16 Mr. Byrde fulfilled a fantasy that he
17 had and engaged Cynthia in a sexual act
18 with him while in a bathtub. During
19 this act Leslie Arthur Byrde watched as
20 the water rose over Cynthia's face.
21 During my extensive interview with him,
22 I asked Byrde what he had planned to do
23 with her body after she was dead.
24 Leslie Arthur Byrde replied, 'I was
25 planning to prop her up on a park
26 bench.' What did he do with her --
27 what he did with her body was dump her

1 on a rural dirt driveway, a driveway
2 that belonged to a rancher who was
3 defaulting on a loan from the very bank
4 that Mr. Byrde was employed. This was
5 a callous self gratifying murder. An
6 educated man, married, gainfully
7 employed, Mr. Byrde acted as if nothing
8 had happened and displayed a total lack
9 of remorse. I urge the parole Board to
10 deny parole to Leslie Arthur Byrde.

11 Signed Richard A. Keaton (phonetic),
12 retired sergeant, Marin County Sheriff's Office.
13 Also I'll read the letter from the courts dated
14 May 23rd, 2005.

15 On May 20th, 1986, I sentenced Leslie
16 Arthur Byrde to serve 15 years to life
17 with the second-degree murder of
18 teenage girl Cynthia Engstrom. Mr.
19 Byrde was first eligible for parole in
20 1993. At that time I wrote a letter
21 objecting to a early parole for him. I
22 have attached a copy of my letter dated
23 November 12th, 1993, for use of
24 reference as well as the incorporation
25 of this letter. I believed then, I
26 still believe today, that Mr. Byrde is
27 too dangerous to release into society.

1 Once again I urge you to deny him
2 parole.

3 And that's retired Judge Beverly Savitt, S-
4 A-V-I-T-T. In fact, as I recall reading that
5 letter and talking that she stated in that
6 letter that if she was able to give you more
7 time at that time that you would of gotten more
8 time. I'm going to ask the next of kin, is
9 there anything other than the letters that I
10 mentioned that you would like me to read into
11 the record or would you just -- when it comes to
12 your time, you just going to take care of it?

13 **DEPUTY DISTRICT ATTORNEY MITCHELL:** I think
14 we've read enough letters. I think -- maybe,
15 did you want to say something?

16 **DEPUTY COMMISSIONER ARMENTA:** No, not yet.

17 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Right.
18 Right.

19 **DEPUTY COMMISSIONER ARMENTA:** Okay. Let's
20 keep on going then. Okay. We did cover the
21 letters, and I said there's a letter from the
22 Deputy DA, but she is here. We covered the
23 letter from the Court and the Sheriff. And we
24 have letters from your family. We have a letter
25 from a Carol Sullivan and dated February 21st,
26 2006. Also a May 6th, 2006, letter from your
27 brother?

1 INMATE BYRDE: I don't have a brother.

2 DEPUTY COMMISSIONER ARMENTA: He says, "I'm
3 writing on behalf of my brother Arthur Byrde."

4 INMATE BYRDE: Who signed it?

5 DEPUTY COMMISSIONER ARMENTA: That's a she?

6 INMATE BYRDE: That's a she.

7 DEPUTY COMMISSIONER ARMENTA: I'm sorry.

8 INMATE BYRDE: Okay.

9 DEPUTY COMMISSIONER ARMENTA: I need
10 glasses.

11 INMATE BYRDE: You scared me with that one
12 there.

13 DEPUTY COMMISSIONER ARMENTA: I'm sorry, I
14 apologize. And there's a letter from Samantha
15 Byrde.

16 INMATE BYRDE: One of my daughters.

17 DEPUTY COMMISSIONER ARMENTA: Okay. And
18 Nancy?

19 INMATE BYRDE: That's my wife.

20 DEPUTY COMMISSIONER ARMENTA: The wife.
21 Want me to read that letter?

22 INMATE BYRDE: Sure.

23 DEPUTY COMMISSIONER ARMENTA: Okay. March
24 18th, 2006, Tucson.

25 My husband of 38 years, Leslie Arthur
26 Byrde, has spent the majority of our
27 married years in prison. I've missed

1 him greatly, and after the shock of
2 having him gone and losing his support,
3 the support of my best friend, I
4 continue to love the man he was and the
5 man he is today. Art has missed his
6 two daughters grow up. When he was
7 sent to prison our youngest daughter
8 was third grade and our oldest in
9 fifth. Now, they are living their own
10 lives and -- but he has missed out on
11 so much. He has been gone for dance
12 recitals, (indiscernible), graduations
13 and weddings. He has missed out on the
14 good night kisses, checking out prom
15 nights, and walking down the wedding
16 aisles. His daughters have been
17 without fatherly advise, monetary
18 backing, vacations together and so much
19 more. Beyond the fact that we have
20 suffered without him, is the fact that
21 he caused the death of a fellow human
22 being. He deeply regrets this. We'll
23 probably never forgive or understand
24 his doing this. Arthur is and always
25 was a person who respected life. One
26 of my fondest memories was with when we
27 were at Sea World looking at the tidal

1 pools. A small child was being

2 careless with a sea --

3 And what -- that is anatomy?

4 **INMATE BYRDE:** Anatomy?

5 **DEPUTY COMMISSIONER ARMENTA:** Yeah.

6 And Art took the time to tell the boy
7 and our daughters that this was a
8 living creature and needed to be
9 treated with respect. In prison Art
10 has tried not to waste his mind and
11 talents. He took classes in computers
12 when they were available. He's always
13 enjoyed working as a clerk, and has
14 been a respected helper in Hands on
15 Peace. I am proud of him for his
16 efforts. Art's health has become much
17 worse the last 21 years. He was
18 diagnosed with MS 32 years ago and has
19 had flare ups on and off since that
20 time. It was shortly after a
21 particularly bad flare up that he went
22 to prison. Now, without the steady use
23 of his legs, he is unable to walk. At
24 60 he is slower to recover from
25 setbacks and needs to be home where he
26 can get the care he needs. I feel my
27 husband has served his time in

1 punishment. Although nothing can truly
2 make up for his crime, he can be better
3 service to his family and humanity at
4 home. I am a teacher, fully vested in
5 requirement who can support him if he
6 needs to be. I love him and want to
7 spend my remaining years with him.
8 Please grant him a parole date. Nancy
9 G. Byrde.

10 That's your wife?

11 **INMATE BYRDE:** Yes, sir.

12 **DEPUTY COMMISSIONER ARMENTA:** Do you have a
13 letter of where you're going to live in
14 California?

15 **INMATE BYRDE:** Well, I wanted to speak with
16 you gentlemen about that because that's an issue
17 that needs to be addressed because of my
18 disability. If we're at that point in time --

19 **DEPUTY COMMISSIONER ARMENTA:** Well, that's
20 something that we're doing right now.

21 **INMATE BYRDE:** Okay.

22 **DEPUTY COMMISSIONER ARMENTA:** Because one
23 of the questions that I would have is where do
24 you plan to live?

25 **INMATE BYRDE:** Okay. Obviously, I know
26 that the law is that you should attempt to
27 parole to your county of commitment. I can do

1 that. I have financial resources to do that,
2 but I would prefer if you would allow me to
3 parole -- if you were to grant parole to my
4 sister's house, for example, in Orange County.
5 She's a licensed social worker and has plenty of
6 room for me. Obviously, ultimately, I want to
7 try to transfer my parole to Arizona and live
8 with my wife, as she indicates in the letter. I
9 realize that takes a little bit of time to do.
10 But that's -- I don't plan to live in California
11 any longer than I have to. I can parole to my
12 sister's house. I have a daughter who's an
13 architect who lives in San Diego. I can parole
14 to my daughter's house, whatever the Board feels
15 appropriate. If I'm required to go to Marin
16 County, I can afford to do that, but I don't
17 think the people in Marin County -- in fact, Ms.
18 Mitchell said in one of the previous hearings
19 people in Marin County don't want me back, and I
20 understand that.

21 **DEPUTY COMMISSIONER ARMENTA:** Do you want
22 to talk about that or --

23 **INMATE BYRDE:** That's --

24 **ATTORNEY CORYN:** Go ahead. You can address
25 that.

26 **DEPUTY COMMISSIONER ARMENTA:** Okay. I
27 don't believe you would be -- I'm sorry, I don't

1 believe you would be or could be required to go
2 back to the county of commitment. I believe the
3 law in that area has been changed.

4 **INMATE BYRDE:** Right.

5 **DEPUTY COMMISSIONER ARMENTA:** I think we
6 would be looking at, as a parole Board, is for
7 an area in California --

8 **INMATE BYRDE:** Right.

9 **DEPUTY COMMISSIONER ARMENTA:** -- where you
10 would have the less -- the best chance to
11 succeed.

12 **INMATE BYRDE:** Right.

13 **DEPUTY COMMISSIONER ARMENTA:** It doesn't
14 necessarily have to be wherever the commitment
15 offense did occur.

16 **INMATE BYRDE:** Right. That's what I wanted
17 to hear because the reality of it is I'm
18 disabled. It's not like I'm going to be out on
19 the streets looking for a job. I'll basically
20 be confined to a house, wherever it is, and so I
21 would prefer to parole to my sister's house who
22 is the social worker who has --

23 **DEPUTY COMMISSIONER ARMENTA:** Do we have a
24 letter from her?

25 **INMATE BYRDE:** There's a letter from her.
26 It doesn't specifically to my living because I
27 didn't know what you would actually want.

1 **DEPUTY COMMISSIONER ARMENTA:** Well, I'll
2 tell you in the future, if you don't get a date
3 today, and you feel that you can live with her
4 and she wants you to live with her. Be certain
5 that a letter does say that.

6 **INMATE BYRDE:** I'll do that, sir.

7 **DEPUTY COMMISSIONER ARMENTA:** Yeah.

8 **PRESIDING COMMISSIONER DAVIS:** Other
9 options include, and I don't know if Arizona is
10 a signer to the interstate compact or not, but
11 would be to have your incarceration; should you
12 not get a date today, and we're certainly a long
13 away from making that decision; however, if you
14 don't get a date today, work on getting your
15 incarceration transferred to the state of
16 Arizona, if they're signed to the compact. I
17 don't know if they are.

18 **INMATE BYRDE:** I don't believe that they
19 are, sir.

20 **PRESIDING COMMISSIONER DAVIS:** That's
21 something you should investigate with your
22 counselor.

23 **INMATE BYRDE:** Yeah.

24 **MS. DIAZ:** Actually, may I say something?
25 Arizona is part of it.

26 **INMATE BYRDE:** Arizona is?

27 **PRESIDING COMMISSIONER DAVIS:** Arizona is.

1 **INMATE BYRDE:** Okay.

2 **MS. DIAZ:** Yes, I've processed inmates
3 before.

4 **INMATE BYRDE:** Oh, good. Okay.

5 **PRESIDING COMMISSIONER DAVIS:** So that's
6 something you should investigate. All right?

7 **DEPUTY COMMISSIONER ARMENTA:** Okay. All
8 right. Let's get into what you've been doing
9 since your last hearing. Mr. Byrde, your last
10 hearing was on 1/22 -- January 22nd, 2002. At
11 that time you were denied for three years. You
12 came in last May 31st, 2005. At that time you
13 signed a one-year stip for a psych report?

14 **INMATE BYRDE:** Yes, sir. I was told it was
15 out of date.

16 **DEPUTY COMMISSIONER ARMENTA:** Yeah, I think
17 it was six years old.

18 **INMATE BYRDE:** It was only three years old.

19 **DEPUTY COMMISSIONER ARMENTA:** Was it only
20 three?

21 **INMATE BYRDE:** It was slightly over three
22 years old, and they said it had to be within
23 three years.

24 **DEPUTY COMMISSIONER ARMENTA:** Okay. And
25 even that's changed now with the rules on that,
26 but that was then. Now is now. Okay. Now, you
27 got a five-year denial -- was that in 1996?

1 **INMATE BYRDE:** Sounds right.

2 **DEPUTY COMMISSIONER ARMENTA:** 9/24, and
3 prior to that on 12/93 you did a two-year stip?

4 **INMATE BYRDE:** Right.

5 **DEPUTY COMMISSIONER ARMENTA:** Okay. And I
6 did go over your C file and went over the
7 reports prepared by Correctional Counselor York,
8 prepared what is known as the life prisoner's
9 report, and also the post-conviction progress
10 report, which covers the period from your last
11 hearing to the present time. I can also report
12 that at this time your points, your scores are
13 at 28, which is the least you can be at.

14 **INMATE BYRDE:** Yeah.

15 **DEPUTY COMMISSIONER ARMENTA:** Minimum that
16 you can be at, which is 28. And -- let me turn
17 it around.

18 **R E C E S S**

19 **DEPUTY COMMISSIONER ARMENTA:** Okay. We are
20 on side two of the tape in the hearing of Leslie
21 Byrde, CDC number D-30420. Okay. And as far as
22 any problems in the prison, you have none.
23 Those are what are known as 115s. No
24 disciplinaries. You do have a 128, which is a
25 counseling chrono, only one. That's dated
26 November 14th, 1991, supposedly for quarters,
27 whatever that is.

1 **INMATE BYRDE:** I had a vent cover that we
2 forgot to take down during inspection.

3 **DEPUTY COMMISSIONER ARMENTA:** Okay. Let me
4 ask you, how is it that you've been able to
5 function all these years inside the prison
6 without one 115?

7 **INMATE BYRDE:** That's a hard question --

8 **DEPUTY COMMISSIONER ARMENTA:** I mean,
9 that's not easy.

10 **INMATE BYRDE:** Yeah, that's a hard question
11 to answer. I mean, I'm not involved in the
12 activities that people are normally are in
13 prison that tend to get them 115s. I don't make
14 Pruno. I don't gamble. I'm not gang
15 affiliated. I don't try to use any other
16 inmates that I don't, you know, I spend most of
17 my time in my cell studying and reading and --
18 or involved in activities in the chapel or self-
19 help groups or whatever. So I've try to do keep
20 myself as far away as I can from the problems
21 that would lead to 115s.

22 **DEPUTY COMMISSIONER ARMENTA:** Have you ever
23 been -- while in prison, have you ever been
24 pressured to take part?

25 **INMATE BYRDE:** Well, I got beat up about a
26 year and a half ago and went to the hole because
27 I refused to lose some disciplinary

1 documentation for some gangsters who thought I
2 should.

3 **DEPUTY COMMISSIONER ARMENTA:** Okay.

4 **INMATE BYRDE:** I said I don't do that, and
5 I got assaulted and was in the hole for a week
6 and a half until that all got sorted out, and it
7 was explained to them that they shouldn't do
8 that.

9 **DEPUTY COMMISSIONER ARMENTA:** Okay. Now,
10 we did get from you a lot of your certificates,
11 and I'm going to go over the information that I
12 found in the C file. If there's something that
13 I miss, go ahead just let me know, okay. I did
14 find that you have been a participant of Hands
15 of Peace. Is that correct?

16 **INMATE BYRDE:** A participant, and also I'm
17 actually the --

18 **DEPUTY COMMISSIONER ARMENTA:** Facilitator?

19 **INMATE BYRDE:** Facilitator, and I teach the
20 other facilitators now. Actually, I have people
21 coming in from the street and I teach them how
22 to do it.

23 **DEPUTY COMMISSIONER ARMENTA:** Why don't you
24 tell us about it.

25 **INMATE BYRDE:** About Hands of Peace?

26 **DEPUTY COMMISSIONER ARMENTA:** Uh-huh.

27 **INMATE BYRDE:** Hands of Peace is an

1 alternatives to violence program, which focuses
2 basically on effective communications and
3 listening techniques and violence avoidance
4 techniques. We train people to basically
5 utilize these techniques to avoid conflict
6 situations. We used to be called Creative
7 Conflict Resolution.

8 **DEPUTY COMMISSIONER ARMENTA:** What have you
9 learned about yourself since taking part in
10 this?

11 **INMATE BYRDE:** Every time I go one of these
12 things you learn something because they're
13 always different, you know. We all think that
14 we're great listeners or great communicators or
15 whatever, but everybody in there can teach you
16 something about, you know, how you can become
17 better, what it is to avoid conflict, to avoid
18 violence, to avoid all of that stuff.

19 **DEPUTY COMMISSIONER ARMENTA:** So what did
20 you learn about yourself?

21 **INMATE BYRDE:** I learned that I was not
22 nearly as smart as I thought I was. I tended to
23 be from my job, for lack of a better
24 description, arrogant. I thought I was a real
25 hot shot kind of guy and that people maybe had
26 less education than me, you know, were not quite
27 as sharp, and I found out that's not the case,

1 you know. Intelligence hasn't really got
2 anything to do with education, and there's some
3 really smart and valuable people out there, you
4 know. We see people come into the alternatives
5 to violence things, and a lot of them are just
6 there for the chrono or whatever, but a lot of
7 them are there because they really want to
8 change, you know, and you can learn a lot from
9 them, and they learn a lot from us we think.

10 **DEPUTY COMMISSIONER ARMENTA:** You also took
11 part in a program called Views (phonetic)?

12 **INMATE BYRDE:** That's at the --

13 **DEPUTY COMMISSIONER ARMENTA:** Victims?

14 **INMATE BYRDE:** Yes. That was way, way --

15 **DEPUTY COMMISSIONER ARMENTA:** In the '90s?

16 **INMATE BYRDE:** Way back, yeah.

17 **DEPUTY COMMISSIONER ARMENTA:** Like, well,
18 you know what I do, sir, I go over your whole C
19 file.

20 **INMATE BYRDE:** I forgotten all about that.

21 **DEPUTY COMMISSIONER ARMENTA:** Yeah, I know.

22 I go over the whole thing. We're kind of told
23 just cover the period from your last hearing.

24 **INMATE BYRDE:** Right.

25 **DEPUTY COMMISSIONER ARMENTA:** And we do,
26 but in all fairness, but we also like to go back

27 --

1 **INMATE BYRDE:** I appreciate it. That's
2 right.

3 **DEPUTY COMMISSIONER ARMENTA:** Like when you
4 first came in you were, I think I believe you
5 were -- you went to Mule Creek, and immediately
6 they made you a clerk?

7 **INMATE BYRDE:** Well, actually, I had been
8 at Folsom for awhile before there. I didn't
9 immediately go to Mule Creek.

10 **DEPUTY COMMISSIONER ARMENTA:** Oh, you
11 didn't, okay.

12 **INMATE BYRDE:** I was at Folsom for about a
13 year and a half before I went to Mule Creek.

14 **DEPUTY COMMISSIONER ARMENTA:** Well, when
15 you get a term like you did, a year and a half
16 is not that long.

17 **INMATE BYRDE:** Yeah, I was lucky.

18 **DEPUTY COMMISSIONER ARMENTA:** So that's
19 almost immediately.

20 **INMATE BYRDE:** Yeah, okay.

21 **DEPUTY COMMISSIONER ARMENTA:** Anyway,
22 that's where you went, and the point is that
23 you've been a clerk for many years, and your
24 ratings have been exceptional for all your
25 efforts. And you also have been a housing clerk
26 and been very involved in -- like I said, you've
27 been a facilitator. Now, you also teach them?

1 INMATE BYRDE: Yes, sir.

2 DEPUTY COMMISSIONER ARMENTA: The Creative
3 Conflict Resolution. You've got certificates of
4 completion. You also participated in a
5 Vocational Computer Tech?

6 INMATE BYRDE: Yes.

7 DEPUTY COMMISSIONER ARMENTA: Did you ever
8 complete that?

9 INMATE BYRDE: Well --

10 DEPUTY COMMISSIONER ARMENTA: I know you
11 were close?

12 INMATE BYRDE: Well, the guys that were in
13 the course deliberately never completed it
14 because if you actually got the final
15 certificate they kicked you out of the class.
16 And with computer technical and computer
17 programming, once you're away from it for a
18 couple of years, you're dead in the water. I
19 mean, it's been 11 and a half years since I was
20 in it, and even though I was pretty qualified
21 computer programmer 11 and a half years ago,
22 today probably the average ten year-old could
23 run rings around me. The technology goes so
24 fast, so we would deliberately -- we would learn
25 one language, become very competent in it, and
26 then we would learn another language, and then
27 another language. So we have stage

1 certificates, and I think the certificates in
2 that say job ready and eligible and all of that
3 sort of thing, but we very deliberately tried
4 not to graduate because once we did we'd be out
5 of it and we couldn't ever -- we'd lose our
6 vocation immediately.

7 **DEPUTY COMMISSIONER ARMENTA:** Okay. We
8 have your certificates here, most recently 2006
9 from Hands of Peace Alternatives to Violence
10 Project. Workshop for training in nonviolent
11 conflict resolution, and it says you
12 satisfactorily completed 22 hours training for
13 facilitator's course?

14 **INMATE BYRDE:** Right, I was a training
15 facilitator.

16 **DEPUTY COMMISSIONER ARMENTA:** Again,
17 another one 2004 for Conflict Resolutions,
18 Friends Outside?

19 **INMATE BYRDE:** Right.

20 **DEPUTY COMMISSIONER ARMENTA:** And
21 certificate in 2003, and then another one for
22 serving in the facilitator team. That seems to
23 be what your -- your main --

24 **INMATE BYRDE:** Yes, sir, it is.

25 **DEPUTY COMMISSIONER ARMENTA:** -- function
26 is at this point?

27 **INMATE BYRDE:** Right.

1 DEPUTY COMMISSIONER ARMENTA: Well, your
2 main project?

3 INMATE BYRDE: It is. Yeah, I'm very
4 involved in that project and have been for the
5 last ten years or more.

6 DEPUTY COMMISSIONER ARMENTA: Yeah, there's
7 a lot of --

8 INMATE BYRDE: I think there's like 16 of
9 them, in fact.

10 DEPUTY COMMISSIONER ARMENTA: --
11 certificates.

12 INMATE BYRDE: There's a lot more that we
13 didn't get certificates for. It seems sort of
14 overkill after a certain point.

15 DEPUTY COMMISSIONER ARMENTA: Well, if you
16 earn them, you should get them. You also have a
17 certificate for Breaking Barriers?

18 INMATE BYRDE: Yes, sir.

19 DEPUTY COMMISSIONER ARMENTA: 1996, and for
20 Karos (phonetic).

21 INMATE BYRDE: Kiros (phonetic).

22 DEPUTY COMMISSIONER ARMENTA: Kiros?

23 INMATE BYRDE: Right.

24 DEPUTY COMMISSIONER ARMENTA: Okay. And
25 you also completed a morals and values course.
26 Is that correct?

27 INMATE BYRDE: Yes, sir.

1 **DEPUTY COMMISSIONER ARMENTA:** What did you
2 learn the there?

3 **INMATE BYRDE:** It was taught by a an old
4 rabbi from New York. Basically, his number one
5 moral and number one value amounted to the same
6 thing, which was that life was devoted to work.
7 I've always been kind of a work alcoholic
8 anyway, so I'm not sure I learned anything new,
9 but he was a very interesting guy, and it was
10 that people needed to be busy and needed to be
11 working. You didn't need to be watching
12 television and playing pinochle out in the day
13 room. You needed to be actually doing something
14 positive with your life, and I agreed with him
15 completely.

16 **DEPUTY COMMISSIONER ARMENTA:** We got a
17 number of chronos, most of them have to do with
18 your participation in Hands of Peace. We also
19 got a positive chrono from J.W. Dresbach.

20 **INMATE BYRDE:** Yes, sir. He's a captain.

21 **DEPUTY COMMISSIONER ARMENTA:** D-R-E-S-B-A-
22 C-H, facility captain, facility one. And it
23 talks very highly of you and your work. And he
24 himself has been with the department for 31
25 years. And he says, "I do not feel that inmate
26 Byrde would reoffend if released from prison.
27 This is not a statement I make lightly. Inmate

1 Byrde is only the second inmate for which I have
2 made such evaluation. I am aware of the inmate
3 Byrde's commitment offense, but based on my day-
4 to-day observations with him and his
5 interactions with staff, I feel comfortable with
6 my evaluation. My opinion is further supported
7 by inmate Byrde's deteriorating physical
8 condition. The increasing cost of maintaining
9 inmate Byrde in prison represents, in my
10 opinion, both an unwarranted and unnecessary
11 cost to the state. I mentioned letters from
12 Carol, but here's a letter from a Dr. Rod Stern
13 (phonetic)?

14 **INMATE BYRDE:** Yes.

15 **DEPUTY COMMISSIONER ARMENTA:** Is he is --

16 **INMATE BYRDE:** He's a friend.

17 **DEPUTY COMMISSIONER ARMENTA:** Oh, a friend,
18 but he's also been in prison?

19 **INMATE BYRDE:** He was. He was in prison
20 here. He's been out for a number of years, and
21 he's been very successful in business, and he
22 just keeps in touch with some of us that's still
23 here in prison.

24 **DEPUTY COMMISSIONER ARMENTA:** It's a letter
25 of support.

26 **INMATE BYRDE:** Right.

27 **DEPUTY COMMISSIONER ARMENTA:** Dated

1 February 25th, 2006. As I mentioned letters
2 from Sherry, your sister?

3 INMATE BYRDE: One of my sisters.

4 DEPUTY COMMISSIONER ARMENTA: Okay. We
5 read your wife's letter, and also a letter here
6 from your daughter?

7 INMATE BYRDE: Which?

8 DEPUTY COMMISSIONER ARMENTA: Is that your
9 daughter?

10 INMATE BYRDE: Which one?

11 DEPUTY COMMISSIONER ARMENTA: Samantha?

12 INMATE BYRDE: Samantha is one of my
13 daughters, yes.

14 DEPUTY COMMISSIONER ARMENTA: Okay.

15 My father Leslie Arthur has been a
16 prisoner in the California Department
17 of Corrections for 28 years. During
18 the time he has missed seeing my sister
19 and me grow up. We've been punished
20 for not having him near us in these
21 years. I've missed him greatly, and
22 due to the location of my job, have not
23 been able to ever even visit him on a
24 regular basis. I feel that he has
25 served his punishment. I would
26 respectfully request his release from
27 prison in the near future. He is

1 needed at home and in our lives, and we
2 want him back.

3 And it's signed Samantha Byrde in Chicago,
4 dated March 17th, 2006. Okay. Let's go into
5 one more area, which is the psychological.
6 There was a report that was prepared for this
7 hearing by Dr. Louisa Fijman, F-I-J-M-A-N.
8 She's a staff psychiatrist. I'll cover a couple
9 of areas. Under diagnosis -- or diagnostic
10 impression, Axis I: There's No Diagnosis. Axis
11 II: There's No Diagnosis. Under Axis III: It
12 says you have Multiple Sclerosis and cataracts.

13 **INMATE BYRDE:** Cataracts.

14 **DEPUTY COMMISSIONER ARMENTA:** As well as
15 asthma. Under Axis IV: Which is the area of
16 your stress, it says consists of Legal Issues,
17 Incarceration, Deterioration of Health and
18 Separation from your Family Members is what is
19 causing you your stress, and gives you a
20 functional score between 75 to 80. In the area
21 of whether she considers you a threat to the
22 community, I will read this into the record.
23 "Mr. Byrde's violence potential outside a
24 controlled setting in the past was considered to
25 have been less than average, and at the present
26 it is estimated to be reduced from that level.
27 If released to the community, he in all

1 probability be likely to continue improvement
2 given his defined set of expectations and goals,
3 along with family support. He further appears
4 to have internal resources necessary, along with
5 the motivation, to be productive and contribute
6 to helping others." Basically, one other area
7 that I should point out in the psychological
8 report, she writes on section six, it says no
9 one in the family, with the exception of his
10 wife, knew about his illness for the previous
11 ten years. Multiple sclerosis is known to be
12 aggravated by any type of stress. Mr. Byrde was
13 at that time experiencing a great deal of stress
14 produced by conflicts of work, (indiscernible)
15 or being overruled by his superiors and that
16 were questioning his judgment. A combination of
17 his declining health, his conflicts at work, and
18 his personal approach to dealing with stress
19 produced some type of emotional (indiscernible).
20 She basically felt that you were leaving your
21 office to unwind, trying to unwind. It was at
22 this time that he became engaged in soliciting
23 prostitutes. The contacts occurred for
24 approximately six or seven months. It was a
25 period where several banks merged, and he was
26 part of the design team in charge of
27 reorganizing the work force. This involved

1 letting go of a number of people, which created
2 enumerable conflicts and lawsuits. He remembers
3 working seven days a week for a period of five
4 months. Now, that's what you told her?

5 **INMATE BYRDE:** Yes, largely. I guess she
6 got some of that from reading my file, but
7 mostly.

8 **DEPUTY COMMISSIONER ARMENTA:** All right.

9 **INMATE BYRDE:** She asked me questions about
10 it.

11 **DEPUTY COMMISSIONER ARMENTA:** Okay. All
12 right. Is there anything that I haven't
13 covered?

14 **INMATE BYRDE:** No, sir. I guess not.

15 **DEPUTY COMMISSIONER ARMENTA:** Okay. I'll
16 turn it over for questions.

17 **PRESIDING COMMISSIONER DAVIS:** Did we talk
18 about what you're going to do for a living when
19 you're released?

20 **INMATE BYRDE:** We haven't specifically.

21 **DEPUTY COMMISSIONER ARMENTA:** Tell me.

22 **INMATE BYRDE:** A lot of it is going to
23 depend on my physical condition. I'm totally
24 disabled. We can talk about, you know, my
25 finances or where I'm going get money, but I
26 have sufficient resources outside to -- that I
27 wouldn't be a burden to the state. I have been

1 offered in the past -- I have members of my
2 family that are in the computer business and
3 it's possible that I could be able to work from
4 the home.

5 **DEPUTY COMMISSIONER ARMENTA:** Okay.

6 **INMATE BYRDE:** To do some work from there,
7 but it's very unlikely that I'll ever be able to
8 go to an office. I'll never be able to drive a
9 car, for example, or anything like that. It's
10 just too far gone. So unless I can find a job
11 that I can actually do out of the house, I'm
12 going to have to be retired. I have a pension
13 from the Arizona Bank that you talked about.
14 I'll eligible -- I'm fully paid up in Social
15 Security. I paid the maximum benefit for a lot
16 of years. My wife, of course, has indicated
17 that her retirement -- we own a home in Arizona,
18 and I have other letters of support from people
19 that has offered money, so it's not a question
20 of having enough money to live on. I want to
21 work. I'm kind a work alcoholic, as I've said,
22 but whether I'm going to be able to find gainful
23 employment that's meaningful is open to question
24 depending on exactly where I parole and when I
25 parole. I actually foresee -- I have in the
26 back of my mind an idea to spend my time
27 actually trying to help, hate to say it, ex-

1 convicts, in gaining approval and setting small
2 business loans and doing the planning and the
3 research and doing the submissions for banks.
4 I'm an expert in that field, and I can actually
5 get loans for people to help them stay out of
6 prison, stay on the street, and just do that on
7 a volunteer basis and support myself kind of
8 putting loan package together. I know what
9 questions the banks are going to ask, and I can
10 do the projections. I can help people get
11 loans. I've actually done that already a couple
12 times for people, but that's not gainful
13 employment, but it is how I plan to spend my
14 life.

15 **PRESIDING COMMISSIONER DAVIS:** Do you have
16 questions, Commissioner?

17 **DEPUTY COMMISSIONER ARMENTA:** I was going
18 to tell you that even that area has changed a
19 lot, the last 15, 20 years.

20 **INMATE BYRDE:** Yeah, I know it's --

21 **DEPUTY COMMISSIONER ARMENTA:** Okay. Now,
22 you can go on line and you get loans.

23 **INMATE BYRDE:** In fact, one of my nephews -
24 - if you ever got a credit card, he is probably
25 the one that processed it.

26 **PRESIDING COMMISSIONER DAVIS:** Nice.

27 **INMATE BYRDE:** Yes.

1 **PRESIDING COMMISSIONER DAVIS:** Okay. When
2 you were with the Red Cross.

3 **INMATE BYRDE:** Sir.

4 **PRESIDING COMMISSIONER DAVIS:** So you were
5 a treasurer for them for a year?

6 **INMATE BYRDE:** No, sir. I was the -- I was
7 treasurer with cystic fibrosis. I was the
8 regional board member with the Red Cross.

9 **PRESIDING COMMISSIONER DAVIS:** All right.
10 How did you become associated with the Red
11 Cross?

12 **INMATE BYRDE:** It wasn't through any greet
13 goodness of my own. I was with the Arizona Bank
14 in Tucson. All of the major banks participate
15 in assigning some of their more senior officers
16 to serve on the Board of the charities just so
17 that we'd be representing for a public
18 relations.

19 **PRESIDING COMMISSIONER DAVIS:** Were you
20 active with them at all?

21 **INMATE BYRDE:** Oh, yeah, we went to
22 meetings, and what we would do is I would be
23 assigned to -- for example, when we had our
24 fundraising things, I would be the one that
25 would be raising the money from all the various
26 banks from the state.

27 **PRESIDING COMMISSIONER DAVIS:** Did you gain

1 any practical knowledge from your association
2 with the American Red Cross?

3 **INMATE BYRDE:** In what --

4 **PRESIDING COMMISSIONER DAVIS:** Did you ever
5 learn first aid, those kinds of basic sorts of
6 things that the Red Cross tends to want to make
7 sure all their people know?

8 **INMATE BYRDE:** I didn't learn first aid
9 from Red Cross. I was a certified life guard
10 from a previous experience, but --

11 **PRESIDING COMMISSIONER DAVIS:** When were
12 you a certified life guard?

13 **INMATE BYRDE:** I grew up in Hawaii, and
14 everybody out there swims like a fish, and I
15 took the Red Cross life guard training.

16 **PRESIDING COMMISSIONER DAVIS:** So was CPR a
17 part of your training?

18 **INMATE BYRDE:** The old way.

19 **PRESIDING COMMISSIONER DAVIS:** What's the
20 old way?

21 **INMATE BYRDE:** We're talking 1950s, was the
22 on the back and pull the arm. With the person
23 on their stomach you're pulling up on their arm
24 and you're pushing down on their back. It's
25 completely different than what they teach today.

26 **PRESIDING COMMISSIONER DAVIS:** Right. So
27 you're familiar with what they were at the time

1 of the crime. Were you familiar with what
2 they're currently teaching?

3 **INMATE BYRDE:** I had a vague idea, and in
4 fact, I think I mentioned to one of the
5 investigating officers that I tried to revive
6 the victim, which I did unsuccessfully.

7 **PRESIDING COMMISSIONER DAVIS:** All right.
8 Do you have any other questions, Commissioner?

9 **DEPUTY COMMISSIONER ARMENTA:** No.

10 **PRESIDING COMMISSIONER DAVIS:** All right.
11 Ms. Mitchell?

12 **DEPUTY DISTRICT ATTORNEY MITCHELL:** May I
13 address some questions to him through the Board?

14 **PRESIDING COMMISSIONER DAVIS:** Yes.

15 **DEPUTY DISTRICT ATTORNEY MITCHELL:** If you
16 could ask Mr. Byrde if he remembers the first
17 version of the events of the murder that he told
18 to Sergeant Keaton as to statements from the
19 second version of events?

20 **PRESIDING COMMISSIONER DAVIS:** Do you
21 remember, sir?

22 **INMATE BYRDE:** Yes, I do, and would you
23 like me to address that?

24 **PRESIDING COMMISSIONER DAVIS:** Certainly.
25 I assume that would be your next question?

26 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Yes, if
27 he could tell the Board what his first version

1 of events.

2 **PRESIDING COMMISSIONER DAVIS:** All right.

3 **INMATE BYRDE:** Yes, when I was first
4 interviewed by the -- Sergeant Keaton, I had no
5 memory of committing this crime, and what I mean
6 is, I mean, I knew that the victim was did, that
7 I knew that I disposed of the body, but I
8 believed in my heart that she must of died as a
9 drug overdose or something that was unrelated to
10 me. I just didn't have the memory of holding
11 her under water or pushing her or hitting her or
12 anything long enough that would of caused
13 anyone's death. I remember jumping up and going
14 downstairs, turning off water, closing windows,
15 and coming back up and finding her to my
16 surprise. I really think that I blanked or did
17 something and disassociated, and maybe I
18 couldn't believe what I'd did. But when I first
19 interviewed with the police, I was adamant that
20 I had not done this, that I was not responsible,
21 that something else must have happened to her.

22 **PRESIDING COMMISSIONER DAVIS:** Okay.

23 **DEPUTY DISTRICT ATTORNEY MITCHELL:** If you
24 could ask Mr. Byrde, how many months after the
25 murder of Cindy Engstrom was it that he suddenly
26 remembered this second version of events?

27 **PRESIDING COMMISSIONER DAVIS:** Do you

1 understand the question, sir?

2 **INMATE BYRDE:** Yes.

3 **PRESIDING COMMISSIONER DAVIS:** Okay.

4 **INMATE BYRDE:** I was -- I'm not sure of the
5 exact number of months. It was probably about,
6 I'm guessing, three or four. I was under the
7 care -- I had been seeing a psychiatrist who had
8 been talking to me about what had gone on, and
9 through seeing that psychiatrist, I was brought
10 to understand what had happened, and at that
11 point told my attorney what I remembered. And
12 I'm not sure what he said to the District
13 Attorney or anyone else, but in terms of my own
14 attorney when I found out.

15 **DEPUTY DISTRICT ATTORNEY MITCHELL:** If you
16 could ask Mr. Byrde if that psychiatrist was not
17 a psychiatrist that had been retained by his
18 attorney?

19 **INMATE BYRDE:** He was retained by my
20 attorney, yes.

21 **PRESIDING COMMISSIONER DAVIS:** Okay.

22 **DEPUTY DISTRICT ATTORNEY MITCHELL:** And if
23 could you ask Mr. Byrde if it wasn't when he was
24 in jail and they were preparing for the trial of
25 this case that he suddenly remembered the second
26 version of events?

27 **INMATE BYRDE:** I was in jail. It was many

1 months before the trial, but I was in jail, yes.

2 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Okay.

3 If you could ask Mr. Byrde why he placed Cindy
4 Engstrom's body where he placed it.

5 **INMATE BYRDE:** I was driving out in the
6 remote areas of Marin County. It was a turn in,
7 and I just -- it seems like a good spot. I know
8 there was a lot made of the fact that apparently
9 the person that owned that ranch was a doctor,
10 if I recall, that owed the bank some money and
11 was in default. I would like to point out that
12 if you know anything about banking, his loan was
13 completely stock secured, and I'd never met the
14 man. I mean, his -- the loan officer's boss's
15 boss's boss would of been me. I mean, it was
16 irrelevant to me. I had no idea where I was at,
17 but I was out driving around in the countryside,
18 and I left it, and I did -- go ahead.

19 **PRESIDING COMMISSIONER DAVIS:** No, finish
20 your statement.

21 **INMATE BYRDE:** No, and I did somewhat had
22 made an earlier statement to Sergeant Keaton who
23 -- Sergeant Keaton is a very honest individual I
24 had found when I was dealing with him. I did
25 originally think -- because I thought that I was
26 wasn't responsible for the death, I did
27 originally have the idea of well maybe I'll just

1 leave Ms. Engstrom in park or somewhere like
2 that. She'll be found. They'll figure out it
3 wasn't me. It was -- whatever it was, drugs,
4 heart attack, whatever it was, I didn't know,
5 and that way people won't be looking for me.
6 And that was the genesis of that remark to him.
7 Once I realized later on what I had done, it
8 became kind of silly, so I think that's why I
9 said that to him in the first place.

10 **PRESIDING COMMISSIONER DAVIS:** Okay.

11 **DEPUTY DISTRICT ATTORNEY MITCHELL:** If you
12 could ask Mr. Byrde sometime after he was
13 convicted and sentenced to prison, did he
14 discuss this case with a reporter and talk about
15 why he placed the body where he did, if he
16 remember that conversation.

17 **INMATE BYRDE:** A reporter. I'm not sure
18 what -- I don't remember the conversation
19 specifically, no.

20 **PRESIDING COMMISSIONER DAVIS:** Would it be
21 with someone other than a reporter? We don't
22 have to focus on whether it was specifically a
23 reporter or not. Did you discuss with someone a
24 different version of perhaps why you left the
25 body where you did?

26 **INMATE BYRDE:** I don't remember discussing
27 anything different from what I've said to you.

1 I was interviewed by a reporter while I was at
2 Folsom that was allegedly at that time going to
3 possibly write a book or something, but I don't
4 have any specific memories. It's been a long
5 time. It's been 20 years. I don't know exactly
6 what I might of said to her.

7 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Okay.

8 If you can ask Mr. Byrde why he bought the
9 boning knife, the knife that Cindy was murdered?

10 **INMATE BYRDE:** I bought the knife the day
11 before I think, but maybe it was -- I'm not
12 sure. A boning knife is a knife with a blade
13 about that long. I bought it because I was knew
14 -- we were going to use the tape that I
15 discovered -- the tape when it's wet -- I knew
16 from -- I use the tape on my ankles all the
17 time, and it's hard to get off, and I was going
18 to cut the tape off of with it. I might point
19 out too there were no knife wounds or anything
20 like that on Ms. Engstrom.

21 **DEPUTY DISTRICT ATTORNEY MITCHELL:** I don't
22 have any other questions.

23 **PRESIDING COMMISSIONER DAVIS:** All right.
24 Counsel?

25 **ATTORNEY CORYN:** I have none.

26 **PRESIDING COMMISSIONER DAVIS:** All right.

27 Closing?

1 DEPUTY DISTRICT ATTORNEY MITCHELL: Yes.
2 I'd like to thank the Commissioners for giving
3 me the opportunity to correct the record, which
4 I know always happens in these lifer hearings
5 because many years ago something will get put
6 into the record from some correctional counselor
7 or psychologist or something, and then it
8 becomes part of the record. Even though it's
9 wrong, it just kept -- gets repeated over and
10 over again. For example, the report of the
11 correctional counselor that appears at the top
12 of your lifer packet where the summary of the
13 crime is a restatement of a summary that was
14 made many years earlier, and it just gets
15 repeated and repeated. And then the prisoner's
16 version, which was given years ago, gets
17 repeated verbatim, and all kinds of
18 misinformation then just gets repeated over the
19 years, and I would like to correct that with you
20 gentlemen. The first paragraph, the summary of
21 the crime where it talks about the body being
22 placed at the location of discovery, and this
23 one sentence, "The body showed signs of
24 violence." Now, that is the most sanitized
25 misrepresentation of the condition of Cindy
26 Engstrom's body. As Commissioner Davis has
27 noted, in the probation officer's report that

1 was prepared at the time that Mr. Byrde was
2 sentenced, Cindy Engstrom was battered and
3 bruised. The photographs of her body were
4 appalling. She was bruised all over her body,
5 her face, her head, her hands, her arms. It was
6 very clear from the photographs and the
7 coroner's report that Cindy Engstrom did not die
8 an immediate death, that there was a violent
9 struggle, and that this young woman had to try
10 to fight for her life unsuccessfully. The
11 coroner, as you have noted, determined that the
12 cause of death was asphyxiation, although the
13 actual mechanism of the asphyxiation could not
14 be determined by the coroner. However, there
15 was evidence of trauma to her neck, evidence
16 that she had been strangled. There was damage
17 to the hyoid bone. There was petechial
18 hemorrhaging, which would be evidence of
19 strangulation, but also the coroner was not able
20 to say whether she died as a result of the
21 manual strangulation or the drowning or a
22 combination of both, but signs of violence
23 indeed. The prisoner's version of events, which
24 I would like to point out is the second version
25 of events that, as Mr. Byrde has stated,
26 suddenly came to him some months after the crime
27 while he was sitting in jail and he was in

1 consultation with a defense retained
2 psychiatrist, and that is the version that you
3 have heard today, which is that they were having
4 bondage sex, Cindy became panicked, he panicked,
5 and then there was this violent struggle, but
6 then he still doesn't really know what happened,
7 and he must of hit her. This is sort of his, I
8 guess, I'm guilty. I'm sort of guilty, but I
9 wasn't -- I don't remember being as bad as it
10 clearly was. The original version of events
11 that he told Sergeant Keaton just a couple of
12 days after the murder was that they were having
13 consensual bondage sex. They had sex. He got
14 up to go down and feed the cat. He was gone
15 about ten or 15 minutes and when he came back,
16 sure enough here was this young woman dead in
17 his bathtub, making it appear that her death was
18 accidental. You know, she's a prostitute, so
19 there was probably some untoward drug abuse
20 going on in her life or some unknown medical
21 condition, and this was the -- his original
22 version of events. Then, of course, came the
23 coroner's report, and the photographs that were
24 developed from the crime scene and the autopsy,
25 which of course, gave lie to the whole it was
26 just an apparent accidental event that occurred
27 while I was out feeding the cat. What really

1 happened here was that Cindy Engstrom's death
2 was the culmination of Mr. Byrde's homicidal
3 hateful fantasies involving women, fantasies
4 that he discussed over several months with some
5 of the various prostitutes that he retained,
6 that he spoke to freely, as he would in the
7 belief that their conversations were private.
8 These fantasies included mutilation, scavenger
9 hunts where women's breasts were going to be
10 some of the objects of the scavenger hunts,
11 raping his co-workers, killing them, his female
12 co-workers, by blowing them up, their cars up.
13 But the most graphic fantasy that he shared with
14 one of his actual favorite prostitutes was this
15 fantasy of watching a woman drown and seeing the
16 fear in her eyes as the water rose up over her
17 face, and sure enough, this is how Cindy
18 Engstrom met her death at the hands of the
19 defendant, Mr. Byrde. The absence of my
20 reference to all of these fantasies, which are
21 articulated very thoroughly in the probation
22 report, and also discussed by Judge Savitt in
23 her sentencing of Mr. Byrde, are for some reason
24 completely ignored by the psychiatrist who did
25 this, what I consider to be a very worthless
26 report for the Board. I'm sorry to say that the
27 only thing that the psychiatrist seems to

1 properly link together with Mr. Byrde is it's
2 clear that he really hates and hated his mother.
3 She was a missing in action mother. She was a
4 hopeless alcoholic, and there is probably -- and
5 you probably don't need to be a psychiatrist to
6 understand that there's probably a link between
7 his attitude towards his mother and his
8 attitudes towards women that he voiced to the
9 psychiatrist, which also explains also some of
10 the things that were going on at the bank. The
11 doctor, the psychiatrist, seems to relate the
12 events of this crime just to the stress that he
13 was having at his place of work, in that the
14 only way he could relieve the stress was through
15 "sexual release." Now, sexual release is one
16 thing, carving up women, fantasizing about
17 blowing them up and drowning them, cutting off
18 their breasts, that I -- it's pretty hard to
19 really lump that into your garden variety sexual
20 release. And the stress that was going on with
21 Mr. Byrde at the bank had to do with his
22 harassment of his women, co-employees and
23 subordinates, that led apparently in the fall of
24 1984 to a sexual harassment suit being filed
25 against him --

26 **ATTORNEY CORYN:** I object. We're getting
27 off the topic of suitability for the instant

1 hearing.

2 **PRESIDING COMMISSIONER DAVIS:** I think what
3 the District Attorney is trying to describe now
4 is the nature of the crime itself, and certainly
5 in closing there is a latitude in terms of that,
6 so I'll allow her to continue. Please do.

7 **DEPUTY DISTRICT ATTORNEY MITCHELL:** Thank
8 you. The women employees at the bank got very
9 tired of his obscene comments, the sexual toys
10 placed in their desks, cartoons involving rape
11 and murder that would show up in a top drawer of
12 their desk. That was the stress that was going
13 on at the bank. It had to do with his
14 disgusting behavior toward his women co-
15 employees. It didn't have anything to do with
16 the number one man at the bank Mr. Mayno
17 (phonetic), who was one of his supporters. His
18 statement is included in the probation report
19 when Mr. Mayno said what a wonderful employee
20 Mr. Byrde was at the bank. Well, of course, Mr.
21 Mayno himself a few years later went off to
22 Federal prison for his misdeeds, but what you
23 had here was a man who is living a secret life.
24 All of this, these letters that have been
25 directed his way by people who are going to be
26 his support on the outside, Mr. Byrde had a
27 tremendous support system going on at the time

1 he was leading this horrible, ugly double life.
2 He had a wife who stuck by him through thick and
3 thin, who was at church camp with his two young
4 daughters while he was going back and forth on
5 multiple trips to San Francisco to pick up
6 prostitutes to bring them back to his house in
7 her absence to engage in bondage sex and to
8 share his thoughts of these sadistic practices.
9 He had an excellent job at the bank. It was
10 very curious that the place where he placed
11 Cindy Engstrom's body on her back totally naked
12 in a spread eagle position was the driveway of a
13 client of the bank who was in default on his
14 loan. Cindy Engstrom was not placed somewhere
15 with a blanket over her, even though he brought
16 her out of his house and put her in a blanket in
17 the trunk of his car. He placed her body on the
18 driveway, nude, spread eagle, bruised, battered,
19 as it was, and then took her meager little
20 positions, drove many miles away on the rural
21 roads of West Marin to a location where there is
22 a bridge that is over a creek, had to get out of
23 his vehicle to throw her meager positions and
24 the boning knife that he had purchased into the
25 creek bed, and as it just so happens, that's the
26 creek where a fisherman happened to be. Well,
27 the good news was that that fisherman was also a

1 police officer and realized immediately that
2 women's undergarments, a boning knife and a
3 purse, that's a crime scene. And so it was
4 through fortuitous circumstances that Cindy
5 Engstrom was identified. That led to the police
6 to the Tenderloin area of San Francisco and all
7 the prostitutes with whom Mr. Byrde was
8 fraternizing over these many months and led to
9 his eventually being contacted by the police
10 when he made his initial statement that would
11 seem to suggest that Cindy Engstrom had just
12 accidentally died after bondage sex, and there
13 was nothing violent about it on his part, which
14 of course, was totally a lie and untrue. On his
15 parole plans, the fact of the matter is Mr.
16 Byrde detests his wife. This unfortunate woman
17 who sat by his -- behind him through the course
18 of the trial was the object of some of his
19 homicidal fantasies that he shared apparently
20 with some of his women co-employees that got
21 communicated apparently to his -- the
22 psychiatrist that was working with him on his
23 criminal defense, and that came out at the trial
24 to the shock of everybody. But his thoughts
25 about his wife was that he hated her and wanted
26 to blow her up in her car, as he did with some
27 of his other co-employees, so the idea of -- he

1 had a support system, and yet it didn't prevent
2 him from committing this horrible crime.
3 Running off to his wife is not the answer
4 because the fact of the matter is, his true
5 thoughts about his wife are extremely hateful
6 and violent. That came out at the trial. The -
7 - I do want to say one thing about Cindy
8 Engstrom. She was 19 years old. Somehow or
9 other within the months prior to this she had
10 gotten involved in prostitution. She was very
11 naive. She was from a very loving family who --
12 her parents and her siblings attended her trial.
13 Her parents were present every day throughout
14 the course of the trial. They have vowed to
15 attend every lifer hearing that they have to to
16 make sure that Mr. Byrde stays in custody so
17 that this never happens to anybody else's child.
18 And as Judge Savitt pointed out so insightfully
19 at the time he was sentenced and in her previous
20 letter, this is a very dangerous man. The
21 psychiatrist who examined him -- it's such a
22 superficial shallow report with such lack of
23 insight, whereas Judge Savitt who sat through
24 this lengthy trial, heard everything, has
25 basically said he is and always will be
26 dangerous to women. He's broken and can't be
27 fixed. She points out that his apparent show of

1 remorse at trial with tears were ingenuine.
2 Basically, he wasn't crying for the life that he
3 took, Cindy Engstrom, who never got to
4 participate in all of life's joys that when
5 you're 19, if you're 41, all those wonderful
6 things that happened during those 20 years, that
7 Mr. Byrde wasn't weeping for her, he was weeping
8 for himself because even though he's a very
9 intelligent man, whatever is wrong with him got
10 the better of him, and unfortunately Cindy
11 Engstrom was his victim and had to pay the price
12 for whatever it is that's wrong with Mr. Byrde,
13 and it can't be fixed. And I would like to
14 thank you for your attention.

15 **PRESIDING COMMISSIONER DAVIS:** All right,
16 thank you. Counsel?

17 **ATTORNEY CORYN:** Yes. I also thank you for
18 listening to Mr. Byrde today. As far as the
19 commitment offense, according to the Code of
20 Regulations, the statutory basis for parole
21 suitability should be noted for the record that
22 Mr. Byrde accepts full responsibility. He does
23 not minimize his conduct, which is consistent
24 with the version that he gave to the Board and
25 that he answered in Ms. Mitchell's questions,
26 and the version that's the same as the one
27 submitted to the probation officer. He was

1 convicted of second-degree murder. This crime
2 was not premeditated and deliberate, and the
3 jury found it second degree. By way of
4 mitigation, Mr. Byrde had no prior criminal
5 record and no arrests prior to the commitment
6 offense. He had a stable background and a
7 stable social history. He was -- had a
8 bachelor's degree and a graduate degree in
9 banking. He had a solid banking employment
10 history and had involved himself in Red Cross
11 and the Kiwanis Group. This is really an
12 aberrational conduct. You can talk about led a
13 double life, yes, and as Mr. Byrde explained,
14 this is seemingly out of character with his
15 previous background. He was not young when he
16 committed the offense. He was out and had
17 stability, and then he had the attack of -- and
18 the pressures of MS, but he realizes and he
19 articulated today that it's no excuse for what
20 he did. And again, I think he expressed sincere
21 and genuine remorse as well. As far as post-
22 conviction factors, Mr. Byrde programs well and
23 in a positive manner. He's never received a
24 115. I think that's remarkable. As mentioned
25 by Mr. Armenta, how he's been able to be in
26 custody for so long without -- staying out of
27 trouble, which bodes well for his adjustment in

1 prison. He receives exceptional work reports.
2 He's participated in numerous self-help groups,
3 Hands of Peace, Kiros, Conflict Resolution, and
4 importantly, also, he's able to share the
5 insights into what he's learned in the groups.
6 The psych report is what has been at issue in
7 the past, and I know in '92 it was noted that
8 his last report -- I mean, in 2002, I'm sorry,
9 the last report Dr. Fijman of 2001 was not
10 negative, and it was supportive, and the Board
11 asked that a new report be prepared. Well, for
12 this hearing that's what the CDC has done.

13 **PRESIDING COMMISSIONER DAVIS:** Excuse me,
14 officer, can you move the paper from his
15 microphone there? Go ahead, Counselor.

16 **ATTORNEY CORYN:** I was talking about the
17 2006 psychiatric report by Fijman, F-I-J-M-A-N,
18 however you pronounce that. It's noted that Mr.
19 Byrde has developed an understanding of the
20 factors.

21 **DEPUTY COMMISSIONER ARMENTA:** Switch tapes.

22 **PRESIDING COMMISSIONER DAVIS:** We need to
23 switch tapes.

24 **R E C E S S**

25 **ATTORNEY CORYN:** Continuation. I was
26 talking about the 2006 psychiatric report by Dr.
27 Fijman that was ordered for this hearing because

1 there hadn't been one in a while, and Mr. Byrde
2 complied with that. The doctor noted that Mr.
3 Byrde has developed an understanding of the
4 factors that influenced the committing of his
5 crime. He realizes now that he has other
6 options related to the reductions of stress in
7 his life. It is noted that his violence
8 potential in a controlled setting is below
9 average. Now it's even decreased than that, and
10 he's developed insight. And if released to the
11 community, he would likely continue his
12 improvement and his gains. His parole plans, he
13 should be commended for the fact that he's got
14 marketable skills and education. He's got a
15 number of letters of support from his wife, his
16 daughters. He has a home for him. He has
17 funds. He can parole to Orange County, San
18 Diego. And that firm support, financial
19 support, is not going to be an issue. Lastly,
20 as the Board can see and also in reviewing the
21 ADA rights, Mr. Byrde, he has multiple
22 sclerosis. He's in a wheelchair. Probably,
23 he'll be on disability. I would submit due to
24 that and his increased age, the likelihood of
25 recidivism is decreased, and I would
26 respectfully ask that the Board consider all of
27 these factors in determining parole suitability.

1 **PRESIDING COMMISSIONER DAVIS:** All right.
2 Thank you, sir. Mr. Byrde, now is your
3 opportunity to address the Panel directly and
4 tell us why you believe you are suitable for
5 parole.

6 **INMATE BYRDE:** Thank you. Before I do, I'd
7 like to say I always loved my wife. Where that
8 came in, I don't want to go. There's no excuse
9 for what I did. I have no excuse. I've spent
10 the last 21 years trying to atone for my
11 actions. I'm not the same person I was in 1985.
12 I've spent a lot of time trying to exert a
13 positive influence on other people through Hands
14 of Peace. It's been talked about. I also do
15 tutoring to help people get a GED in education.
16 I've done a lot of that. It's -- I don't feel
17 that I'm a threat to society in any way should I
18 be paroled. This is supported by, you know, the
19 psychiatric reports, but not just this one, a
20 whole string of them going back ten years with
21 multiple psychiatrists and psychologists. My
22 medical condition is obvious. I'm the victim of
23 a debilitating, irreversible, incurable,
24 progressive neurological disease. It's already
25 taken away my legs. It's taken away have of my
26 right eye. My sister, who also suffers from
27 multiple sclerosis, Shirley Rector (phonetic),

1 is something on an expert. Because of that, she
2 wrote the Board a couple hearings ago and said I
3 was probably no match for the average ten year-
4 old, and that's probably even more true today.
5 I'll never drive an automobile. I'll, as we've
6 said, I'll probably never even leave my
7 residence without another person there to assist
8 me. So the idea that I present a threat to
9 anyone to me is a little farfetched. I mean,
10 I'm a totally disabled person at this point, and
11 it's not something that gets better. We talked
12 about the fact that I do have financial support
13 from my family, friends. I'm eligible for
14 Social Security. I do have a small pension of a
15 few hundred dollars a month, so I'm not a
16 financial burden to the state if I'm paroled,
17 and I'm a consider financial to the burden -- to
18 the state in prison because my medical -- my
19 medication costs are kind of exorbitant. That's
20 about it. I mean, I think it's all been talked
21 about. It's all been laid out, and I appreciate
22 you taking the time to listen to me.

23 **PRESIDING COMMISSIONER DAVIS:** Just one
24 question I'd like to focus on also.

25 **INMATE BYRDE:** Yes, sir.

26 **PRESIDING COMMISSIONER DAVIS:** How is --
27 you said you're a different person now?

1 **INMATE BYRDE:** Yes.

2 **PRESIDING COMMISSIONER DAVIS:** What kind of
3 assurance can you give the Panel? I mean, we're
4 talking about a situation where you leading two
5 different lives at one time. How is that
6 different today?

7 **INMATE BYRDE:** Well, I think if you go back
8 20 years, I was an extremely type A aggressive
9 person. I was focused very selfishly upon
10 myself on just about everything, how I was going
11 to get ahead in life, how was I going to become
12 extremely rich and powerful. I was doing pretty
13 well at it. I was still in my 30s. I was a
14 senior VP of a pretty good size bank. I think
15 one of the psych reports mentioned the fact that
16 I at one point went 18 months without taking a
17 day off, I mean, not a Sunday, not a Christmas,
18 not a birthday. I was at work behind my desk 18
19 months in a row, and I'm just not that person
20 anymore. I mean, I've matured a lot. I've
21 learned that there's a lot more to life than
22 where I was. That kind of person I don't even
23 think exists in me anymore. I don't care about
24 making a lot of money. I don't care about
25 running anybody's life or getting ahead of
26 anybody. I'm really -- I don't know if it's
27 maturity or old age or what it is, but I just --

1 the forces that ruled my life and my attitudes
2 and my behavior back in the '80s are just --
3 they're not part of me anymore. And so from
4 that point -- or from that point of view is why
5 I've changed.

6 **PRESIDING COMMISSIONER DAVIS:** All right.
7 Since it's been some time since the
8 transcriptionist will have heard your voices,
9 who are -- are you both going to speak, or one
10 or the other of you going to speak, or how do
11 you want to do this?

12 **MR. WILLIAM ENGSTROM:** I'm going to have
13 something to say at the end.

14 **PRESIDING COMMISSIONER DAVIS:** All right.
15 So you're going to speak first?

16 **MR. SCOTT ENGSTROM:** Yes, sir.

17 **PRESIDING COMMISSIONER DAVIS:** Just
18 identify yourself again, please, for the record.

19 **MR. SCOTT ENGSTROM:** My name is Scott
20 Engstrom, E-N-G-S-T-R-O-M, brother of Cindy
21 Engstrom.

22 **PRESIDING COMMISSIONER DAVIS:** Go ahead,
23 sir.

24 **MR. SCOTT ENGSTROM:** Thank you. First of
25 all, I want to thank you for what seems to be a
26 very thorough hearing. I'd like to start out by
27 saying that at the beginning Mr. Byrde read a

1 statement about disabilities that he was given
2 the right to assistance if he cannot walk, if he
3 cannot breathe, if he cannot help himself. The
4 same individual who read that statement who was
5 given those rights, used tape upon my sister and
6 removed those rights, held her under water, and
7 removed the right to breathe, removed the right
8 to be able to defend herself. In the statement
9 from Mr. Byrde's sister saying that he's no
10 defense against a ten year-old, in his prime
11 against a 19 year-old he had to use tape to
12 overpower her, not because he was weaker, but
13 because he was a coward. His disability makes
14 him more dangerous. More people are willing to
15 help somebody in a wheelchair, which renders
16 them put in danger. Mr. Byrde has never been in
17 trouble here because he's not capable of it
18 without the cowardice mechanics of having to
19 take his victim's defenses away. I don't think
20 you'll find anybody in this prison who will
21 allow him to tie them up, and so that is not
22 even a consideration. Mr. Byrde remembers that
23 it was roughly 10:00 p.m. He remembers that he
24 had "dated half a dozen prostitutes." He
25 remembers that his wife was away on a Girl Scout
26 event with his daughters. He biblically
27 remembers wanting to stand up and close the

1 windows so his neighbors, who were ten to 12
2 feet away, wouldn't hear, and wanted to run
3 downstairs to close those window and doors to
4 make sure nobody heard, but somehow he can't
5 remember striking my sister. He says that he is
6 obviously at fault because what else do you say?
7 But he will not admit that he beat, bruised,
8 battered my sister. Excuse me. My sister, who
9 is about the same age as my wife, missed out on
10 a chance of watching me get married. I have a
11 five year-old son now, a four month old daughter
12 that she will never meet. And somehow in his
13 arguments and discussions and letters from his
14 family, which you got to get those letters, you
15 know, you got to have the support. Well,
16 somehow it labels Mr. Byrde as a victim. He
17 spent so much time in here. Gee, that's
18 something terrible, but he chose to do
19 something. He chose for that double life. He
20 chose to take my sister's life. And he didn't
21 just take her life, he beat her. My sister knew
22 she was going to die. And to make himself out
23 to be the victim -- if there's no admitting the
24 crime, there's no healing. If there's no
25 admittance and taking responsibility other than
26 just lip service, there's no changing. Mr.
27 Byrde removed from me and my family what we

1 loved dearly, and it was because of narcissistic
2 and careless and selfish behaviors, as he
3 admitted himself. I think the reason he's doing
4 so well in prison is because it's structured and
5 he has no ability to go out and be a work
6 alcoholic. He has no ability to go out and try
7 to get ahead in life. He has no ability to step
8 on anybody, and that's exactly where he belongs,
9 where society is safe and he can continue to
10 thrive in his perfect environment. Thank you.

11 **PRESIDING COMMISSIONER DAVIS:** All right.
12 Thank you. Did you want to say something, sir?

13 **MR. WILLIAM ENGSTROM:** Yes.

14 **PRESIDING COMMISSIONER DAVIS:** Okay.

15 **MR. WILLIAM ENGSTROM:** William Engstrom,
16 father.

17 **PRESIDING COMMISSIONER DAVIS:** If you would
18 like to sit down you may, or if you prefer to
19 stand. It's up to you.

20 **MR. WILLIAM ENGSTROM:** No, I better sit
21 down.

22 **PRESIDING COMMISSIONER DAVIS:** All right.

23 **MR. WILLIAM ENGSTROM:** Mr. Byrde has always
24 in my mind said that he's responsible, and it
25 changes from time to time, but what doesn't
26 change is he's responsible but. And as you
27 heard today, he's responsible but had not my

1 daughter panicked, and then hadn't he panicked,
2 this would of been a different situation. Well,
3 maybe and maybe not, but if you listen to --
4 again to this tape and the previous tapes, I
5 don't think you'll ever have heard him say I'm
6 sorry. And without saying I'm sorry, there's
7 something really missing from his character.
8 Thank you.

9 **PRESIDING COMMISSIONER DAVIS:** All right.
10 Thank you, very much. We'll now recess for
11 deliberation.

12 **R E C E S S**

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CALIFORNIA BOARD OF PAROLE HEARINGS

D E C I S I O N

DEPUTY COMMISSIONER ARMENTA: Okay. We're

on record.

PRESIDING COMMISSIONER DAVIS: Let the

record reflect that everyone previously

identified as being in the room have returned,

with the exception of the staff from the

institution. This is in the matter of Leslie

Byrde, CDC number D-30420. The Panel reviewed

all information received from the public and

relied on the following circumstances in

concluding that the prisoner is not suitable for

parole and would pose an unreasonable risk of

danger to society or a threat to public safety

if released from prison. We come to this

conclusion first and foremost from the

commitment offense itself, in that the offense

was carried out in a especially cruel manner.

The offense was carried out in a dispassionate

manner. The offense was carried out in a manner

which demonstrates an exceptionally callous

disregard for human suffering, and the motive

for the crime was very trivial in relation to

the offense. These conclusions are drawn from

the statement of facts, wherein the prisoner,

LESLIE BYRDE D-30420 DECISION PAGE 1 7/19/06

1 for reasons still best known to him, took
2 advantage of a young woman who was not able to
3 defend herself, struck her, and/or held her
4 under water. He did so for his stated reason --
5 for no better reason, at this point that we can
6 determine, of simply protecting his reputation.
7 Regardless of the attempt, you did not seek help
8 for the victim. And although you indicated that
9 you did try and render CPR, there is nothing in
10 the record to quantify that or to verify that.
11 And you chose to dump her nude body in a rural
12 driveway. While there are statements with
13 regard to stress as a result of work and a
14 diagnosis of MS, there is nothing in the record
15 to suggest that this stress contributed directly
16 or significantly to the commitment of this
17 crime. With regard to institutional behavior,
18 we do find that you've had one single 128(a)
19 counseling chrono and no serious 115
20 disciplinary reports, which as Commissioner
21 Armenta indicated, that is an exceptional
22 record, and you are to be congratulated for
23 that. with regard to the psychological report
24 dated July of 2006, by Dr. Fijman, F-I-J-M-A-N,
25 it is this Panel's conclusion that the report
26 itself is inconclusive, in that it does not
27 **LESLIE BYRDE D-30420 DECISION PAGE 2 7/19/06**

1 address issues that seem to leak from the
2 record, specifically the information in the
3 parole officer's report. Accordingly, this
4 Panel recommends that prior to the next hearing
5 a new psychological report be completed that
6 will fill in this void and address these areas
7 specifically. With regard to parole plans, we
8 do find that the parole plans are inadequate,
9 that you do not have verification of a place of
10 residence. And while we don't doubt that you
11 have a lot of talent, your plan with regard to
12 what you're going to do financially lacks any
13 specificity. So before you come before a Panel
14 again, you need to lie that out exactly what
15 that looks like. How are you going to continue
16 to -- how are you going to support yourself?
17 With regard to the 3042 notices, we find that
18 the District Attorney from Marin County is here
19 in person by representative and does oppose
20 parole, as does the Marin County Sheriff's
21 Office by letter, the Marin County Sheriff's
22 Office being the agency responsible for the
23 investigation of this crime, as does the retired
24 Judge Savitt who was the judge who presided over
25 this case from the Superior Court of Marin
26 County. Nevertheless, we do want to commend you
27 **LESLIE BYRDE D-30420 DECISION PAGE 3 7/19/06**

1 for your -- several things, your work in the
2 Hands of Peace as a facilitator and a
3 facilitation instructor, your long term work as
4 a clerk with exceptional ratings, your
5 participation in vocational computer
6 programming, and your certificates -- actually,
7 many certificates for Hands of Peace and
8 Conflict Resolution from Friends Outside, as
9 well as your continued participation in Breaking
10 Barriers and Kiros. However, these positive
11 aspects of behavior do not outweigh the factors
12 for -- I'm sorry, you know, I also left out your
13 laudatory chrono from the chaplain, which was a
14 very nice chrono. We don't want to leave
15 anything like that out. However, as I started
16 to say, these positive aspects of behavior do
17 not outweigh the factors for unsuitability, and
18 in a separate decision, this hearing Panel finds
19 that the prisoner has been convicted of murder,
20 and it is not reasonable to expect that parole
21 would be granted during the next three years.
22 We come to this conclusion by first and foremost
23 the commitment offense, in that the offense was
24 carried out in a especially cruel manner. The
25 offense was carried out in a dispassionate
26 manner. And that the offense was carried out in
27 **LESLIE BYRDE D-30420 DECISION PAGE 4 7/19/06**

1 a manner which demonstrates an exceptionally
2 callous disregard for human suffering, and the
3 motive for the crime was very trivial in
4 relation to the offense. These are conclusions
5 are drawn from the statement of facts, wherein
6 the prisoner, for reasons best known to him,
7 took advantage of a young woman who was not able
8 to defend herself, struck her and/or held her
9 head under water. You did for the stated
10 reason, your stated reason, of protecting your
11 reputation. Regardless of the intent, you did
12 not seek help for the victim. You indicated
13 that you did try and provide CPR; however,
14 there's no independent evidence of that saying.
15 And rather, you took the body from a crime scene
16 and dumped it in a rural area. While there is -
17 - there are statements with regard to stress as
18 a result of work and a diagnosis of MS, there is
19 nothing in the record to suggest that this
20 stress contributed directly or significantly to
21 the commission of this crime. With regard to
22 the psychological report of July 2006 by Dr.
23 Fijman, this Board finds -- this Board views
24 that report as being inconclusive, in that it
25 does not address the issue that seems to leak
26 from the record, specifically the information
27 **LESLIE BYRDE D-30420 DECISION PAGE 5 7/19/06**

1 contained in the probation officer's report.
2 Accordingly, this Panel recommends that prior to
3 the next hearing a new psychological report to
4 be completed to fill in that void. With regard
5 to parole plans, once again, the parole plans do
6 lack significant specificity and/or
7 documentation, in that they did not provide
8 documentation for a place of residence, although
9 you've indicated that you believe you could
10 obtain that, so we certainly hope that you do
11 that, as well as we previously discussed some
12 specificity as to exactly how you intend to
13 continue to support yourself. And if your wife
14 is going to do that, that would be included in
15 that. And again, a suggestion that if you do
16 want to transfer your confinement to the state
17 of Arizona that you can look into beginning to
18 do that with your counselor. With regard to the
19 3042 notices, we note that the District Attorney
20 from Marin County is here in person by
21 representative and does oppose parole as does
22 the Marin County Sheriff's Department by letter,
23 the Marin County Sheriff's Department being the
24 agency responsible for the investigation of this
25 crime. It is also opposed by retired Judge
26 Savitt, S-A-V-I-T-T, who is the judge from the
27 **LESLIE BYRDE D-30420 DECISION PAGE 6 7/19/06**

1 Superior Court of Marin County who presided over
2 your case. This Panel also finds, with regard
3 to other areas for suitability, that while Mr.
4 Byrde says that he is responsible for this
5 crime, this Panel is left with the impression
6 from Mr. Byrde's own presentation that this is a
7 weak acceptance and almost a dismissive
8 acceptance, and certainly not reflective of what
9 this Panel would consider to be a real remorse.
10 As I said, this is a three-year denial. And the
11 Panel recommends that you remain disciplinary
12 free, that you continue to participate in self-
13 help, that you cooperate with clinicians when
14 the time comes for your new evaluation, and that
15 you develop appropriate parole plans and earn
16 positive chronos. And with that, Mr. Byrde, we
17 want to wish you the best of luck, and we are
18 adjourned. I'm sorry, Commissioner, did you
19 have anything you wanted to add?

20 **DEPUTY COMMISSIONER ARMENTA:** Yeah. Sir,
21 in the hearing you don't -- you don't have to
22 talk about the offense. You don't have to
23 admit, but if you're saying that you have
24 remorse, we're always hoping to see it, and I
25 really did not see it in you. You really
26 mitigated a lot of what happened that night, and
27 **LESLIE BYRDE D-30420 DECISION PAGE 7 7/19/06**

1 you almost made it sound like it was her fault.

2 INMATE BYRDE: I didn't intend to.

3 DEPUTY COMMISSIONER ARMENTA: When you get
4 a chance to read the transcripts afterwards,
5 read it. I would recommend that you read the
6 one from the previous hearings and the report
7 through probation. That was one concern that I
8 have. That's all I have to say.

9 PRESIDING COMMISSIONER DAVIS: All right.
10 Thank you, very much for that, Commissioner, and
11 we are adjourned.

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23 PAROLE DENIED THREE YEARS

24 THIS DECISION WILL BE FINAL ON: NOV 16 2006

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 LESLIE BYRDE D-30420 DECISION PAGE 8 7/19/06

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, STACY WEGNER, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 98, and which recording was duly recorded at R.J. DONOVAN CORRECTIONAL FACILITY, SAN DIEGO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF LESLIE BYRDE, CDC NO. D-30420, ON JULY 19, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated October 6, 2006, at Sacramento,
California.



STACY WEGNER
TRANSCRIBER
PETERS SHORTHAND REPORTING

EXHIBIT #3

2005 LIFE PRISONER HEARING DECISION PAGE SHEET

BOARD OF PRISON TERMS

LIFE PRISONER HEARING DECISION FACE SHEET

STATE OF CALIFORNIA

☐ PAROLE GRANTED-(YES)
 CDC: Do not release prisoner before
 Governor's review.

☐ PAROLE DENIED-(NO)

Records Use Only

Parole Release Date _____
 YR MO DAY

Attach Prison Calculation Sheet

☒ AGREED UNSUITABLE (Attach 1001A Form) FOR: ONE YEAR(S)

☐ HEARING POSTPONED/REASON: _____

PANEL RECOMMENDATIONS AND REQUESTS

The Board Recommendations:

☐ No more 115's or 128A's ☒ Stay discipline free
☐ Work to reduce custody level ☐ Learn a trade* ☒ Earn positive chronos
☒ Get self-help* ☐ Get therapy* ☐ Get a GED*

☐ Recommend transfer to _____

☒ Other Inmate request An Update/ Sync. Rpt -

*These programs are recommended if they are offered at your prison and you are eligible/able to participate.
AND A better defined job plan should be developed.

Penal Code 3042 Notices ☒ Sent Date: 3-30-05

Commitment Offense(s): PC 187 MURDER 2ND
 Code(s) Crime(s)

MAR 9635 01
 Case #(s) Count #(s)

Date Inmate Came to CDC 5-23-86	Date Life Term Began 5-23-86	Minimum Eligible Parole Date 1-5-95
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☐ Initial Hearing ☒ Subsequent (Hearing No.) 3 Date of Last Hearing _____

CDC Representative

Attorney for Prisoner Address

D.A. Representative County

This form and the Board's decision at the end of the hearing is only proposed and NOT FINAL. It will not become final until it is reviewed.

Chair [Signature] Date 5/31/05

Panel Member [Signature] Date 5/31/05

Panel Member [Signature] Date _____

NAME	CDC #	PRISON	CALENDAR	DATE
BYRD, LESLIE	D-30420	RJDCF	MAY/JUNE	5-31-05

BPT 1001(REV. 08/03)

EXHIBIT #4

2002 CALIFORNIA BOARD OF PRISON TERMS DECISION

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CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER ESTRADA: We're on

record.

PRESIDING COMMISSIONER HEPBURN: All right.

All parties have returned to the room. It's 4:58

p.m., and Mr. Byrd, we denied your parole for

three years. Let me read the decision to you.

The Panel reviewed all information received from

the public and relied on the following

circumstances in concluding that the prisoner is

not suitable for parole and would pose an

unreasonable risk of danger to society or a threat

to public safety if released from prison. Number

one was the timing and gravity of the commitment

offense itself, which was carried out in a very

cruel and callous manner, also in a manner which

demonstrates an exceptionally callous disregard

for human suffering. These conclusions are drawn

out from the Statement of Facts wherein the

prisoner was carrying out one of his sexually

violent fantasies against women when he picked up

the victim in San Francisco, with an agreement to

engage in a sexual act of bondage. And Mr. Byrd

took her back to his residence where he placed her

in the bathtub, she struggled, he held her under

LESLIE BYRD D-30420 DECISION PAGE 1 1/22/02

Statement
OF
FACTS
↓

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1 the water, resulting in her death, and then took
2 her body to another remote location where he
3 disposed of it. It was found the next day, and
4 then disposed of her clothing and personal items
5 at another location. And the record reflects a
6 number of an ongoing pattern of behavior by Mr.
7 Byrd, in which he would pick up prostitutes, talk
8 about his sexually violent fantasies regarding
9 women, and carry out his sexual fantasies of tying
10 up women and committing sexual acts with them
11 while they're tied up. Regarding his previous
12 record, he didn't have a police record, he didn't
13 have a record of convictions. However, he does
14 have a self-admitted record of previous acts of
15 prostitution with women that he picked up
16 primarily in San Francisco. We know that he took
17 a number of them back to his residence. He
18 discussed that here at the hearing, and engaged in
19 activity with them while his family was out of
20 town. His prison record has been good. He's been
21 disciplinary free throughout his incarceration.
22 He came in as an outstanding citizen. He
23 essentially led a double life. Very few people
24 who knew him would have guessed the dark side of
25 his life. And as he has programmed in the
26 institution, of course, he's programmed in a
27 **LESLIE BYRD D-30420 DECISION PAGE 2 1/22/02**

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1 positive manner, consistent with what his behavior
2 was before he came in the institution. He came in
3 with marketable skills and an education. His work
4 reports that he's had as a clerk have been
5 exceptional. He has participated in self-help
6 activities, including Hands of Peace, Conflict
7 Management, Impulse Control, among others. His
8 psychological evaluation completed by Dr.
9 Pesavento on 10-1 of 2001 is not negative. It's
10 fairly supportive of release. We are going to ask
11 for a new psychological evaluation to deal with
12 more specifically with some of the issues
13 involving Mr. Byrd's fantasies of sexual violence
14 toward women and specifically as it pertains to
15 this case. I don't think that they've been dealt
16 with very completely in the psychological
17 evaluation and they need to be addressed.
18 Regarding his parole plans, he appears to have
19 some financial resources and family support. He
20 certainly has job skills so parole plans aren't a
21 particular issue with the Board. In response to
22 3042 Notices, we had significant opposition to
23 parole from a number of individuals. We had a
24 representative from the District Attorney's
25 office, who was present at the hearing and voices
26 strong opposition to parole. We had several
27 **LESLIE BYRD D-30420 DECISION PAGE 3 1/22/02**

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1 family members here at the hearing who voiced
2 opposition to parole. We also received quite a
3 few letters in opposition, including a letter from
4 the judge who handled the trial in this
5 particular case, Beverly Savitt, S-A-V-I-T-T. She
6 had written in her letter that I attempted to make
7 clear at the time of his sentencing that I thought
8 he should never be paroled because he
9 demonstrated a clear hatred for women that was
10 lifelong. I continue to believe that should Mr.
11 Byrd be released, he will undoubtedly kill again.
12 As I indicated, this is a three-year denial. In a
13 separate decision, the Hearing Panel finds that
14 the prisoner has been convicted of murder. It's
15 not reasonable to expect that parole will be
16 granted at a hearing during the next three years.
17 The specific reasons for this finding are as
18 follows. The timing and gravity of the
19 commitment offense, which was carried out in a
20 very cruel and brutal callous manner. Also it was
21 carried out in a manner which demonstrates an
22 exceptionally callous disregard for human
23 suffering. Although Mr. Byrd doesn't have an
24 official police record, he does have a
25 pattern of behavior involving fantasies of
26 violence against women, and of picking up
27 **LESLIE BYRD D-30420 DECISION PAGE 4 1/22/02**

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1 prostitutes and engaging in prostitution
2 activity, discussing and binding up the women,
3 discussing violence toward women while he was
4 engaged in this sort of activity. It does cause
5 the Board concern for his future activity, and
6 it's an issue that we think he needs to deal with.
7 We'd like to see some specific self-help programs
8 perhaps and some additional information in the
9 psych report dealing specifically with the issue
10 involving his sexually violent fantasies toward
11 women considering the life offense. I don't think
12 that that issue has been addressed specifically
13 and certainly not to the extent that it needs to
14 be dealt with. So the Panel's recommendation is
15 going to be that you remain disciplinary free and
16 there will be a new psychological evaluation prior
17 to the next hearing, participate in self-help and
18 therapy programs that are available, and
19 specifically if one becomes available dealing
20 with his violence toward women. That will
21 complete the reading of the decision.
22 Commissioner Estrada, do you have any comments you
23 would like to add?

24 **DEPUTY COMMISSIONER ESTRADA:** None. ~

25 **PRESIDING COMMISSIONER HEPBURN:** All right.

26 Mr. Byrd, good luck to you. That will conclude

27 **LESLIE BYRD D-30420 DECISION PAGE 5 1/22/02**

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1 this hearing at 5:04 p.m.

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25 PAROLE DENIED THREE YEARS

26 EFFECTIVE DATE OF THIS DECISION FEB 26 2002

27 LESLIE BYRD D-30420 DECISION PAGE 6 1/22/02

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**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, VICKI TAYLOR, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 59, and which recording was duly recorded at RICHARD J. DONOVAN CORRECTIONAL FACILITY, at SAN DIEGO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of LESLIE BYRD, CDC No. D-30420, on JANUARY 22, 2002, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated February 5, 2002, at Sacramento County, California.



Vicki Taylor
Transcriber
CAPITOL ELECTRONIC REPORTING

EXHIBIT #5

1996 CALIFORNIA BOARD OF PRISON TERMS DECISION